

## **REMARKS**

### **I. Introduction.**

Claims 1-5 are pending and stand rejected. The Office Action states that the title of the invention is not descriptive. Claims 1-5 were subjected to several rejections under 35 U.S.C. Section 102(b). Claims 2 and 3 were rejected under 35 U.S.C. Section 103(a). Claim 4 has been canceled without prejudice.

### **II. The Specification.**

The Applicants believe that the title of the invention may now be more indicative of the invention to which the claims are directed in view of the amendments to Claim 1.

### **III. The 35 U.S.C. Section 102(b) Rejections.**

#### **A. U.S. Patent 4,636,914, Belli**

Claims 1-5 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 4,636,914, Belli.

The Office Action states that the reference discloses an outlet box (1) having a back-up power supply 5 such as a flashlight set within the wall. The Office Action states, referring to Figs. 4-6 and Col. 3, lines 15-30, that the backup device runs on rechargeable batteries charging directly from the wall supply.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Belli reference relates to a supplementary modular electrical device that is assembled with other modular components within receptacles or outlet boxes or wall plates. The supplementary device is removable or detachable from these receptacles and becomes a portable and self-operating device when there is a loss of current to the outlet box. The removable electrical device may be a flashlight with a rechargeable battery. The jack openings (11) in the body (6) of the outlet box, however, have no current supplied to them when there is a power failure.

The Belli reference does not teach or disclose the electrical outlet described in Claims 1-3 and 5. The Belli does not teach or disclose an electrical outlet comprising a back-up power supply that is electrically connected to the electrical contacts in a plug receptacle of the electrical outlet to supply current to the electrical contacts in the plug receptacle of the electrical outlet when electrical power to the electrical outlet from an electric main is interrupted.

B. U.S. Patent 5,412,529, Eaton, et al.

Claims 1-5 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 5,412,529, Eaton, et al.

The Office Action states, referring to Col. 4, lines 10-55 and Col. 10, lines 22-45, that the reference discloses a wall having a recess (130) having an outlet (300) connected to the recess wherein the recess houses multiple devices including a battery back-up UPS.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Eaton, et al. reference relates to a modular wall panel assembly comprising a power surge protector and/or uninterruptible power supply components, and connector adapter unit therefore. The uninterruptible power supply (UPS) means is located in the wall panel behind the face plate designated (130). The element designated by reference number (300) in the Eaton, et al. reference is referred to as a powerway. As best Applicants can tell, the powerway (300) is intended to be located along the base of the wall panel assembly described in the Eaton, et al. reference. Col. 11, lines 1-5.

The Eaton, et al. reference does not teach or disclose the electrical outlet described in Claims 1-3 and 5. The Eaton, et al. reference does not teach or disclose an electrical outlet comprising an outlet box having a plug receptacle with electrical contacts therein, and a back-up power supply that is located within or adjacent to the outlet box.

C. U.S. Patent 4,631,649, McCue, et al.

Claims 1, 4 and 5 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 4,631,649, McCue, et al.

The Office Action states that the reference discloses an outlet which has a back-up power supply.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The McCue, et al. reference relates to an emergency light fixture permanently affixed in a conventional power outlet box. The emergency light fixture in the McCue reference comprises a housing that plugs into the slots in the conventional power outlet box. The housing contains a battery, a lamp mounted in the housing in connection to the battery for illumination during a power outage, and a charging means connected to the electric plug for charging the battery. An auxiliary power outlet may be mounted in the housing and connected to the electric plug.

The McCue, et al. reference does not teach or disclose the electrical outlet described in Claims 1 and 5. The emergency light fixture described in the McCue, et al. reference only lights the lamp when the power fails. The McCue, et al. reference does not teach or disclose any type of arrangement for providing electrical power to the contacts in the plug receptacle of the electrical outlet when the power fails.

#### IV. The 35 U.S.C. Section 103(a) Rejection.

Claims 2 and 3 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 4,631,649, McCue, et al.


The Office Action states that the reference does not disclose the back-up power supply being [in a] recess behind the wall. The Office Action states that it would have been obvious to one having ordinary skill in the art to have placed the UPS behind the wall for a “clean” look, since it has been held the rearranging parts of an invention involves only routine skill in the art.

Applicant respectfully requests that the rejection be reconsidered and withdrawn. As discussed above, the McCue, et al. reference does not teach or disclose any type of arrangement for providing electrical power to the contacts in the plug receptacle of the electrical outlet when the power fails. The electrical outlets described in Claims 2 and 3, therefore, are not merely a rearrangement of the part of the McCue, et al. reference. Therefore, the electrical outlets described in Claims 2 and 3 would not have been obvious to one of ordinary skill in the art, and the rejection of these claims should be reconsidered and withdrawn.

V. Summary.

The rejections have been addressed. In view of the foregoing, withdrawal of the rejections and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

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